

DEC 11 2006

Remarks**A. Section 112 Rejections**

The Examiner has rejected claims 40-81 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Examiner states the phrase "capable of" renders the scope of the claims as vague and indefinite. Applicants respectfully traverse the 112 rejection and the Examiner's position. To facilitate allowance of all pending claims, however, Applicants have amended claims 40-56, 59, 63-75, and 77-81 to replace the phrase "operable to" in claim language with language describing an actual configuration. In view of the above amendments, Applicants respectfully request that the 112 rejections of these claims be withdrawn.

B. Prior Art Rejections for Anticipation and Obviousness

The Examiner has rejected claims 59, 60, and 62 under 35 U.S.C. § 102(e) in view of PCT Publ. No. WO 99/043136 ("Rydbeck"). The Examiner has also made the following obviousness rejections under 35 U.S.C. § 103(a): claims 68-70 and 72-76 over U.S. Pat. No. 6,247,130 ("Fritsch") in view of Rydbeck; claims 40, 41, 43-46, and 50-55 over Rydbeck in view of U.S. Pat. No. 6,721,710 ("Lueck"); claims 42 and 47-49 over Rydbeck in view of Lueck and in further view of Publ. No. 2005/0054379 ("Cao"); claims 56-58 over Rydbeck in view of Lueck and in further view of Fritsch; claim 61 over Rydbeck in view of U.S. Pat. No. 6,496,692 ("Shanahan"); claims 63-67 over Rydbeck in view of Cao; claim 71 over Fritsch in view of Rydbeck; claim 77 over Fritsch in view of certain office notice taken by the Examiner; claims 78-80 over Fritsch in view of U.S. Pat. No. 6,014,569 ("Bottum"); and claim 81 over Fritsch in view of Bottum as applied to Rydbeck.

Applicants respectfully traverse each and every 103 rejection included in the Action. Applicants maintain that the combinations asserted by the Examiner are not taught by the art of record. Moreover, the art of record does not teach each and every limitation of the claims. Applicants have amended claims 40-56, 59, 63-75, and 77-81. The amended claims clearly include several features that are completely missing from the art of record.

1. CLAIMS 40 - 55

Claim 40 is an independent claim. Each of claims 41-55 depends, either directly or indirectly, from claim 40. Claim 40 has been amended to include the following element:

an interface configured to releasably engage with a docking mechanism of a separate sound system such that: (1) a power supply of the separate sound system can recharge the local rechargeable battery via the interface; (2) the digital representation can be communicated to the separate sound system via the interface; and (3) a control signal of the cellular communication device can alter an operational parameter of the separate sound system in response to the incoming telephonic communication.

This limitation is not shown in Rydbeck or in any of the other prior art cited by the Examiner. As such, Applicants assert that claim 40 is allowable, and cannot be the subject of either an anticipation or obviousness rejection on the basis of the art cited by the Examiner. Claims 41-55 depend from Claim 40, which has been shown to be allowable, and add additional novel limitations. As such, Applicants assert that claims 41-55 are allowable. Applicants respectfully submit that the rejection of claims 40-55 on anticipation or obviousness grounds should be withdrawn, and that these claims should be passed to issuance.

2. CLAIMS 56 - 58

Claim 56 is an independent claim. Each of claims 57 and 58 depends, either directly or indirectly, from claim 56. Claim 56 has been amended to include the following element:

an updateable user interface engine configured to accept an over the air download of an updated user interface file and to utilize the updated user interface file to initiate presentation of a different user interface on the display, wherein the different user interface comprises a new icon representing the user selected media

This limitation is not shown in Rydbeck or in any of the other prior art cited by the Examiner. As such, Applicants assert that claim 56 is allowable, and cannot be the subject of either an anticipation or obviousness rejection on the basis of the art cited by the Examiner. Claims 57 and 58 depend from Claim 56, which has been shown to be allowable, and add additional novel limitations. As such, Applicants assert that claims 56-58 are allowable. Applicants respectfully submit that the rejection of claims 56-58 on anticipation or obviousness grounds should be withdrawn, and that these claims should be passed to issuance.

3. CLAIMS 59 - 67

Claim 59 is an independent claim. Each of claims 60-67 depends, either directly or indirectly, from claim 59. Claim 59 has been amended to include the following steps:

generating a user interface file that can be processed to present a user interface on a cellular device, wherein the user interface comprises an icon linked to a selected audio information source;

initiating an over the air download of the user interface file; communicating the user interface file to the cellular telephone via a wide area wireless network;

processing the user interface file to present the user interface on the cellular device"

These steps are not shown in Rydbeck or in any of the other prior art cited by the Examiner. As such, Applicants assert that claim 59 is allowable, and cannot be the subject of either an anticipation or obviousness rejection on the basis of the art cited by the Examiner. Claims 60-67 depend from Claim 59, which has been shown to be allowable, and add additional novel

limitations. As such, Applicants assert that claims 60-67 are allowable. Applicants respectfully submit that the rejection of claims 59-67 on anticipation or obviousness grounds should be withdrawn, and that these claims should be passed to issuance.

4. CLAIMS 68-81

Claim 68 is an independent claim. Each of claims 69-81 depends, either directly or indirectly, from claim 68. Claim 68 has been amended to include the following elements:

Internet website configured to present a user with an application that allows the user to create a user interface for the cellular communication device;

wireless communication network configured to communicate a launchable interface file to the cellular communication device such that the user interface is presented on a display of the cellular communication device;

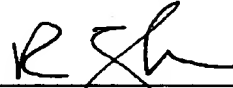
a wireless network element configured to receive a signal indicating that the user has selected an icon on the user interface and to initiate wireless communication of data packets to the cellular communication in response to the signal.

These steps are not shown in Rydbeck or in any of the other prior art cited by the Examiner. As such, Applicants assert that claim 68 is allowable, and cannot be the subject of either an anticipation or obviousness rejection on the basis of the art cited by the Examiner. Claims 69-81 depend from Claim 68, which has been shown to be allowable, and add additional novel limitations. As such, Applicants assert that claims 69-81 are allowable. Applicants respectfully submit that the rejection of claims 69-81 on anticipation or obviousness grounds should be withdrawn, and that these claims should be passed to issuance

Conclusion

Applicants respectfully request that the rejection of claims 40-81 be withdrawn and that these claims be passed to issuance.

Respectfully submitted,



Roger Fulghum

Registration No. 39,678

Baker Botts L.L.P.
910 Louisiana
One Shell Plaza
Houston, Texas 77002-4995
(713) 229-1707

Baker Botts Docket Number: 111111.1111

Date: December 11, 2006